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4 JENNIFER ANN MOSS,  
5 Petitioner,  
6 v.  
7 T. JUSINO,  
8 Respondent.  
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10 Case No. [22-cv-07382-WHO](#) (PR)  
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12  
13 **ORDER OF DISMISSAL**  
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15 Petitioner Jennifer Ann Moss is a federal prisoner who alleges in this habeas action  
16 that she is eligible to receive time credits under the First Step Act. (Order Directing  
17 Petitioner to Show Cause, Dkt. No. 5 at 1.) Because it appeared that she did not exhaust  
18 her administrative remedies prior to filing her action, Moss was ordered by the Honorable  
19 Virginia K. DeMarchi to “file a supplemental pleading to the petition showing that she did  
20 in fact exhaust administrative remedies before filing this action or that the exhaustion  
21 requirement should be excused.” (*Id.* at 3.) This supplemental pleading was to be filed  
22 “no later than April 26, 2023.” (*Id.*) Judge DeMarchi stated that “If Ms. Moss fails to file  
23 a response in time, or if the supplemental pleading fails to show that she did exhaust  
24 administrative remedies or that exhaustion should be excused, the Court may issue an  
order reassigning the case to a district judge with the recommendation that the petition be  
dismissed for failure to exhaust administrative remedies.” (*Id.*)

25 Moss has not filed any response to the Order To Show Cause. Accordingly, this  
26 federal habeas action is DISMISSED (without prejudice) for failing to respond to the  
27 Order To Show Cause and for failure to prosecute, *see* Federal Rule of Civil Procedure  
28 41(b).

1 Because this dismissal is without prejudice, Moss may move to reopen. Any such  
2 motion must have the words MOTION TO REOPEN written on the first page, and contain  
3 the supplemental pleading that Judge DeMarchi described in the Order To Show Cause.

4 The Clerk shall enter judgment in favor of respondent, and close the file.

## IT IS SO ORDERED.

6 | **Dated:** May 8, 2023

W.H.Oe

**WILLIAM H. ORRICK**  
United States District Judge

United States District Court  
Northern District of California